



MINUTES OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY

WEDNESDAY, DECEMBER 8TH, 2004

The regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairperson DeRosa in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on December 8th, 2004 at 3:10 p.m.

ROLL CALL:

Present: Council Members/RDA Board Members Mr. England, Mr. Marchand, Mayor Pro Tem/RDA Vice Chairman Mr. Pettis, Mayor/RDA Chair Ms. DeRosa.

The regular meeting of the City Council began at 6:33 p.m. and was opened by Mayor/RDA Chair DeRosa. Envoy David Manriquez, Officer in charge of the Cathedral City Corps with the Salvation Army led the Invocation, followed by the Flag Salute led by Mayor Pro Tem Greg Pettis and preceded by the presentation of colors by the Cathedral City High School ROTC students under the direction of Col. Steve Price.

CLOSED SESSION AGENDA:

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)
Number of Potential Cases: 4
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6
Agency Negotiator: Donald Bradley, City Manager
Represented Employees: 1) Cathedral City Police Fire Management Association (CCPFMA); 2) American Federation of State, County and Municipal Employees.
3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.
Case No.: United States District Court, Central District of California Case No. EDCV 02-965

4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx) Complaint for Damages and Injunctive Relief Demand for Jury Trial
5. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):
Case Name: The City of Cathedral City vs. James Lucero, an individual, Elaine Lucero, an individual, Chandler J. Mahoney, an individual, Marie Corporation, a Corporation, Connie Ahumada, an individual; and DOES 1 through 50, inclusive
Case No.: Superior Court of the State of California In and For The County of Riverside, Indio Branch Case No. INC047273
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. **(Keith Scott)**
Property Location: South of East Palm Canyon Drive, West of the Perez Road extension, East of Canyon Plaza
APN#s 687-030-010 and 074
Negotiating Parties: Redevelopment Agency and Desert Hills Mobile Home Park, Inc.
Property Owner: Desert Hills Mobile Home Park
Under Negotiation: Disposition of property
7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 **(Paul Shillcock)**
Property Location: North of East Palm Canyon Drive, East of Cree Road
APN#s 681-310-011, 014 and 016.
Negotiating Parties: City of Cathedral City Redevelopment Agency and Michael Criste/Bill Waddle, The Bedford Group.
Property Owners: Lincoln Trust Company and OCOBO.
Under Negotiation: Disposition of Property

8. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8 (**Paul Shillcock**)
Property Location: Northeast corner of Date Palm Drive and Gerald Ford
APN#s 673-250-003.
Negotiating Parties: City of Cathedral City Redevelopment Agency and
Trapezoid Development, Inc.
Property Owners: Village Daly City Partners
Under Negotiation: Disposition of Property
9. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Charlene Sumpter**)
Property Location: North of East Palm Canyon Drive, west of Monty Hall,
south of Officer David Vasquez and east of Cathedral
Canyon Drive.
Negotiating Parties: Redevelopment Agency and Tri- Millennium Cathedral
City LLC
Property Owner: Redevelopment Agency
Under Negotiation: Amendment to the Disposition and Development
Agreement for Building "G"
10. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8. (**Warren Bradshaw**)
Property Location: 68810 "C" Street
Negotiating Parties: Redevelopment Agency Ezequiel Escobar
Property Owner: Ezequiel Escobar
Under Negotiation: Property Acquisition

CLOSED SESSION ANNOUNCEMENTS

Deputy City Attorney Green advised that the Council was not able to finish closed session discussions and therefore after tonight's regular session meeting, the Council will adjourn back into closed session.

Mayor DeRosa stated that at this time the floor is generally open for public comments but for purposes of tonight's meeting one item on the agenda is going to be moved forward and that is item # 2 which is a public hearing that has to do with an Assessment District. Without any objections the item is to be moved.

Item # 2 **PUBLIC HEARING**

Deputy City Clerk Betancur called the item into the record with Mayor DeRosa announcing that if there were any ballots that needed to be turned in prior to opening the public hearing; they needed to be turned in now. Seeing that no ballots needed to be turned in, Mayor DeRosa opened the public hearing and outlined the procedure for such.

Robert Mohler- Mr. Mohler presented the staff report indicating that this is about the Landau Manor Assessment District on a section of Landau and McCallum and that the property owners petitioned the City to have the parkways maintained by City staff, to retain three retention basins and neighborhood street lights. He commented that there are 98 homes within the three tracts and that a public meeting was held on October 6th at Cimarron Golf resort and a strong showing there indicated their petition and support for the District formation. Developer Erb Green of Landau Homes has already paid for the Engineer's report and the services of Munifinancial as assessment Engineer and that the contract was approved by City Council on September 8th with the Engineer's Report being approved on October 13th. Further, he stated that the Resolution of intention set the date for the Public Hearing for December the 8th, which is tonight and authorized balloting to proceed and such were mailed out by Munifinancial on October 15th. Mr. Mohler stated that Munifinancial is present and that Mr. Chris Fisher will answer any questions Council may have.

Mayor DeRosa opened the public hearing and seeing that no one wished to address the City Council on this matter, she closed the public hearing and asked if there was any one in the audience who had any ballots that they need to turn in to do so now.

Seeing that no ballots needed to be turned in, Mayor DeRosa instructed the consultant to proceed with counting the ballots.

PUBLIC COMMENTS

Bill Cohen- Cathedral City – Mr. Cohen spoke regarding his usual request for volunteers and sale of t-shirts stating that the Police Department needs your help.

Robert Marchand- Chairman Cathedral City Public Arts Commission. Mr. Marchand announced that the Canyon Classics Ensemble will do a Holiday Concert on Thursday night the 17th of December and that refreshments will be served. The Concert starts at 7:00 p.m.

Hearthier Bonestell- Cathedral City. Ms. Bonestell came to City Council on behalf of the Desert Aquatics Group who has a vision for a community pool and the difference that a pool will make in the lives of children, youth and seniors who will all benefit from such a venue because it will keep children at risk away from dangerous influences. Ms. Bonestell stated that the Desert Communities have many advantages but the lack of public pool facilities in Cathedral City is inadequate and that many kids have to travel either to Palm Desert or Palm Springs to use the facilities and that this is inconvenient for many. She stated that their goal is to see a public community pool here in Cathedral City by 2007.

Richard Martinez- Cathedral City. Mr. Martinez thanked the Council for their support in the many organizations that he is a part of and that he comes to the Council this evening in support of no one and that he is not here to give the Council advice on how to fill the vacant Council seat. Mr. Martinez stated that he comes to denounce the tactics of certain people in the community who are circulating fliers stating that this Council is racist. He

commented that he does not feel this Council is racist, and that he even had personal visits to his place of business from people trying to incite racism in the community and stated that he deplores such tactics since it is hurtful to the community and that he hates it more because it comes from supporters of certain candidates. He stated that in the museum of tolerance there are two doors one for people with prejudice and one for people without prejudice and that if you chose the door without prejudice you get no where because every one has some sort of prejudice and that is harmful to the community when you let it out. Mr. Martinez asked the Council to denounce these types of tactics and urged the candidates mentioned in the flier to strongly denounce such tactics and let their supporters know that this is not allowed. He stated also that he asked all citizens especially those behind these hate-filled letters and fliers to pause for a minute and think of the welfare of the Community and follow a truly moral direction and hopefully one that will unite the community and not divided for political gain.

Ms. DeRosa- Mayor DeRosa stated that on behalf of the Council they do denounce such tactics and that this is the second piece of mail she has received without a signature that people need to come forward and sign their name to something and that we are a City building unity and bringing people together and that there is no place in this chamber or in this City for anybody who is going to divide us and that we need to come together and continue working together for the benefit of the community.

Greg Wetmore- Rancho Mirage. Cathedral City Chamber of Commerce President and Chief Executive Officer. Mr. Wetmore stated that last Thursday the Chamber held its annual golf tournament but that was not the fun part, the fun part was the evening were traditionally the chamber invites its members as it did again this year to bring in unwrapped school supplies to the event to be able to support Cathedral City schools and that people came in droves. Mr. Wetmore commented that he would like to acknowledge that a new business coming to Cathedral City this Summer, Forest Lawn stepped up and donated a huge amount of school supplies to this event resulting in an event that we are holding at the chamber on Thursday at 4:00 p.m., where the Desert Sun will be attending and that all the representatives from the Education Committee that represent the schools in Cathedral City will be there for their traditional holiday school supplies send off.

Further, Mr. Wetmore, made several other announcements that included: the December breakfast, the choices program, the January 5th power breakfast and the January 20th mixer will include chamber members from several other chambers, January 28th the Orion Award to present several awards to individuals and businesses.

Ester Carranco- Cathedral City. Stated that the Mayor has a letter that she had addressed to all of them. Ms. Carranco stated that it gives her great pleasure to congratulate Ms. DeRosa in becoming the Mayor of the City. Ms. Carranco was interrupted by Mayor DeRosa because the letter she had alluded to had comments regarding an item on the agenda. Mayor DeRosa asked Ms. Carranco to wait until the special item discussion takes place, at which time she can offer public comment.

Bill Beck- Cathedral City. He stated that he comes to the City Council to vote his opinion and that this is probably the most important election of any time. He stated that any past problems that he had had with the City or any City Council member he has decided to forget about it and that he loves the City that he is part of the City and that whatever is decided tonight he will be behind it and that the is part of the City and he hopes that all this Council can get together and see one direction and that is the success of Cathedral City.

Melinda Northcott- Cathedral City. Ms. Northcott stated she was present at last night's meeting when we said good-bye to Mr. George Stettler where we thanked him for his service to the community and that she gave him a stand in ovation just like she did for the new Mayor Kathy DeRosa and that she was appalled at the behavior displayed by City Council members Mr. Pettis and Mr. Marchand especially when Mayor DeRosa was giving her acceptance speech.....

At this point Mayor DeRosa interrupted by stating that general comments no personal attacks will be tolerated on either side of the dais so please.....go ahead

Ms. Northcot continued by concluding that in order to move forward the City Council members and the Mayor must be united and not divided.

Seeing that no one else wished to speak, Mayor DeRosa closed public comments.

AGENDA FINALIZATION

No changes in the agenda.

SCHOOL REPORTS

A Cathedral City High School representative reported that Melissa Torres was unable to attend this meeting because she was ill. She wanted to extend an invitation to the Council and the larger community to come to the high school to see the play, the man who came to dinner. The play opened Thursday, December 2nd and the remaining days to see the play are December 10, 11 and 17th with general admission being \$9.00 and student tickets are \$7.00 for information people should call 770-0100 ext 444.

COUNCIL COMMENTS

Mr. Marchand- Spoke regarding the Dream Homes Christmas Light Contest which will be held from December 15th through December 28th and that is a contest where people are lighting their homes with lights and that the City Council was asked to be the judges of the entries and the prices will be announce on December the 23rd. Mr. Marchand also spoke to two other items one being the receipt of a constituent letter requesting to adjourn this meeting on behalf of John Lennon and the second being that in this time of the Christian season of advent, Christmas, Quanza and many other religious celebrations, that we need to lean on each other and that unity is our strength.

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Mr. Pettis- Spoke regarding the Concerts in the Square and that last week we had some great entertainment from all over the Valley, led by our own Lalo Guerrero and Saint Louis Church and a variety of excellent entertainers. Mr. Pettis reminded the audience that January the 7th the first Friday of the month, the Cathedral City High School jazz band will be performing at that concert and the concerts starts at 7:00 p.m.

Mr. England- Mr. England wanted to thank the community for being present here last night and that we had a fantastic group of people representing the community who came not only to congratulate the new Mayor but also to honor Mayor Stettler our outgoing mayor and congratulate him for all the hard work he has done for this community for the past two years.

Mayor DeRosa- Stated that time Warner has notified the City that there has been a decision made on the part of the Executive Management of Turner Broadcasting that CNNFN will now be seeing on channel 335 and we all get channel 335. In other words, they are going to stop operating so we do not have to worry about what channel they are on.

Seeing no other comments, Mayor DeRosa moved for approval of the minutes.

MINUTES

Mayor DeRosa called for approval of the minutes for the regularly scheduled City Council/Redevelopment Agency meeting held on Wednesday, November 10th, 2004 and the adjourned City Council/RDA Board meeting held on Monday, November 22nd, 2004. Motion made by Mayor Pro Tem Pettis, seconded by Council Member Marchand. **Motion carried 4-0.**

PUBLIC HEARING Continued.....Item # 2

Before moving to the consent calendar, Mayor DeRosa announced that the results of the ballot process for the Landau Manor Landscape and Lighting Maintenance District (LLD. No. 18) were ready to be read into the record.

Mayor DeRosa called upon Deputy City Clerk Betancur to announce the results of the ballot measure, which were as follows:

Yes = \$ 9,874.67

No= \$ 695.40

93%

7%

Measure passes. Council Member Marchand moved to approve all three resolutions related to this item, motion seconded by Council Member England. **Motion carried 4-0 by Resolutions No. 2004-112, Resolution No. 2004-113 and Resolution No. 2004-114.**

CONSENT AGENDA

Council Member/RDA Board Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member/RDA Board Member England, **motion carried 4-0.**

1. Received and filed demands in the aggregate amount of \$5,613,727.72 for the month of November, 2004, **by Minute Order #3815 and Minute Order # R- 1006.**

SPECIAL ITEM

Mayor DeRosa outlined the ground rules for handling this item stating that the Council will be taking public comment and at the end of public comment, nominations will be made from the dais and that once nominations are made there will be no second on a nomination then a vote will be taken and there will be comments from Council Members also.

Mr. England stated to Mayor DeRosa that before the Council gets this item started, there has been a long three weeks and a lot of people out there do not understand the whole process and he wanted to walk people through the process. Mr. England explained that the process of what the Council is going to do tonight is an appointment and the way that it works is that because of someone being elevated from a Council seat to the Mayor position that situation vacates a seat and our current law dictates that the current Council make an appointment of an individual, which generally it is not of the third highest vote-getter. Mr. England stated that he was subject to that about six-years ago and that the reason that they do this is that they need to build consensus, which is very important with consensus you can move a ship in the right direction and without it is without a rudder and it goes nowhere. What will happen is that we will go down the list of individuals, it could be the list of people running for Council, it could be the list in a telephone book, it really does not matter, the Council has to agree by a vote of 3 to accept a particular person to fill a two-year vacancy that Ms. DeRosa has left. Mr. England commented that he would like to talk a bit about democracy and how that works. He said that our founding-fathers put a lot of time effort and forethought into how they would craft this thing we call democracy in the United States of America and the government that is of the people, by the people and for the people and that we do not have a regime, dictatorship, autocracy or anything of that nature and that we are self-governed by elected officials. He stated that he had received many emails and telephone calls, letters and people approaching him on the street and that it has been quite interesting and that it has been a 50/50 split and that we have two people who have been brought to the forefront during this election process, Mr. George Stettler who is the outgoing Mayor and Mr. Chuck Vasquez. He stated that it has been a very passionate couple of weeks where individuals were looking to promote their candidate of choice to that particular seat and that he has been silent about this matter in not saying much in the news media because he feels it does not serve any purpose to spin any rhetoric out there when nothing is going to take place until a certain date and time which is this evening. He further commented that the community is 50/50 split in this and that it is a difficult decision to make when you have 50% of the community saying we want this individual and 50% of the community saying they want another individual and that the

integrity of the Council and the perception in the community he believed is most important and that the Council is made up of citizens like you that have been voted into office and that you may like or dislike a certain Council person but we have been asked and we asked to serve this community and you acknowledged us and said yes we would like to have you up there as our voice. He stated that integrity is very important for him and that he has worked hard to gain the integrity he has and it means a more than being up there sitting as Council Member. Mr. England said that there has been a lot of stuff in the news media challenging the integrity of the Council of which he is a part of and that he feels he is being painted with a broad brush and tonight we need to keep in mind that the integrity of the Council is at stake here and regardless of our backgrounds integrity is very important, and that he has supported both candidates in various ways, he has good relationships with both of these gentlemen and he has been asked to do what is in his heart, but that what is in his heart is something different than what he is going to do tonight and some people have told him that he needs to do what is right for the community and that this is a 50/50 split. Therefore, he wants to do what is right for the community and sometimes it takes a toll. Mr. England stated that he is going to be voting no on each and every person that will be brought forward as a nominee and since he is the person in the middle that action will force a special election. He commented that residents have a voice and they need to be heard and that the community needs to have their voice heard again but that he is not in favor of paying for a special election and that if people want a special election, they are going to have to get their check books out. Mr. England stated that he would like to open the floor for open comment but that he is growing tired of people demeaning comments going back and forth on behalf of one candidate or another and further asked the audience that if they are going to state negative comments about a person to refrain from doing so because he is not willing to tolerate such comments. Mr. England asked Mayor DeRosa if she could remind the audience to stay on a positive tone for purposes of tonight's meeting.

Mayor DeRosa – She stated that two of her colleagues stated eloquently earlier that at the end of the day we have to live together as neighbors and that she will ask persons who wish to speak to come forward for three minutes and to keep the tone of the comments in a positive way and not to speak against another candidate and that it served no purpose to demean another candidate and such behavior will not be tolerated and not allowed in the chamber. Mayor DeRosa stated that we are a community and community being one and not community being different neighborhoods, different areas, different color skin, different ethnicity, different religions, different anything and that community means coming together as one and she asked all to put aside all negative comments and communicate with each other and simply state why you would like to see your candidate come forward.

PUBLIC COMMENTS ON SPECIAL ITEM:

The following Cathedral City residents spoke in favor of Mr. Vasquez, stating that they want to nominate him for the vacant Council seat for all he has done in the past to help the community and for his dedication to the Citizens of Cathedral City in serving in a variety of capacities for a long period of time.

Ester Carranco
Jane Rasco
Mike Shimko
Diane Gill
Celia Lasky
Jay Christopher Vestys
Evelyn Valentino
Shilo Herling
Bill Cohen
Bill Proctor
Steve Vernick
Susie Genera
Ben Geraci
Jim Warlin
Lance Johnson
Bob Smith
Beth Williams
Kama Newton
Bob Northcott
Mr. Carl Heiffdelmann
Andrew Outsdale

OTHER COMMENTS

Mr. Bruce Williams- Cathedral City. Mr. Williams is in favor of changing the municipal code to allow the next highest vote getter running in a City election to be automatically appointed to that open seat.

Fred Bell- Cathedral City. Mr. Bell also spoke in favor of amending the municipal code to allow the next highest vote getter to be appointed to that open seat and further stated that he appreciated the stand on this matter taken by Council Member England.

Bob Smith- Cathedral City. Spoke regarding documents and a report he had filed with the FPPC regarding this election and stated something was going to occur real soon. He went on to congratulate Mayor DeRosa on her election as Mayor.

Dick Mills- Cathedral City. Spoke in favor of appointing someone now. He stated that as far as he is concerned for what he has seen, this Council has always gotten along in spite of strong opinions on both sides and as much as he respects the democratic process, he questioned Mr. England's decision to go to special election and that Council Members always can change their mind and spoke of the dynamics of this appointment.

Joe Velasquez- Cathedral City. Spoke in favor of deciding now and that it would be nice for the Council to come to consensus now. Further stated that Council needs to lead and that every one is asking the Council to do just that.

Gene Touchet- Cathedral City. Mr. Touchet stated that he rejects any bit of racism whatsoever in whatever decision the Council makes.

The following individuals spoke in favor of nominating former Mayor George Stettler for the vacant Council seat.

Mr. Walt McLaughlin
Judy Penny
Cynthia Davies
Jim Condon

Seeing no one else wished to speak, Mayor DeRosa closed public comment.

COUNCIL COMMENTS ON SPECIAL ITEM:

Mr. England. Stated that he appreciates all comments and that there is a 2/2 split for Mr. Vasquez and that he does not carry enough votes to be appointed.

Mayor DeRosa opened the floor for nominations and asked if anyone wanted to nominate a candidate.

Mayor Pro Tem Pettis. Mr. Pettis stated that based on a previous statement made by Mr. England that he hesitates placing any name on nomination and subject them to a defeat on either a 3-1 or 2/2 vote and that presuming that Mr. England's feelings are the same as they were at the beginning of the meeting, that he would make a motion to direct City staff to bring forward a resolution calling for a special election at the earliest stage that the County of Riverside can schedule.

Mr. England. Council Member England asked if the motion on the floor could include language related to the issue of making the next highest vote getter to be appointed to the vacant Council seat with Mr. Pettis and the City Attorney, Mr. Green explaining that that specific issue does not need to be on the ballot but that it needs to be a separate item and done by way of an ordinance that he could prepare for Council's consideration if Council wished to do so.

Mr. Green. Explained that the matter of creating an ordinance which would make the appointment to a seat automatic based upon the next vote getter does not require an election and it is an ordinance along with any other ordinance that can be brought forth if the Council directs so and the City Attorney's Office can prepare draft language and bring it forth perhaps at the first meeting in January and it can not be adopted in time to effect the outcome of this discussion but that if the Council would like to consider it for future matters the City Attorney's Office can do that and such would be separate from calling of the election and it is not on the agenda tonight therefore, it is not properly a matter of motion.

Mayor Pro Tem moved for calling a special election at the earliest possible date by the County of Riverside, motion seconded by Council Member England. **Motion carried 4-0 by Minute Order # 3813.**

Mayor Pro Tem Pettis. Mr. Pettis commented that with respect to the funds offered by Citizens to pay for the election that would also be a separate item that will need to be dealt with separately in terms of either accepting or rejecting such donations.

Mayor DeRosa opened the floor for nominations for Mayor Pro Tem and nominated Mr. England for this post. Mr. England respectfully declined due to personal issues and offered the nomination to Council Member Pettis. Mr. Pettis agreed to continue serving as Mayor Pro Tem. **Mr. Marchand entertained motion for Mr. Pettis to remain as Mayor Pro Tem, motion seconded by Council Member England. Motion carried unanimously by Minute Order # 3814.**

PUBLIC HEARING

3. Joint public hearing of the City Council and Redevelopment Agency for the City of Cathedral City, regarding the disposition of two duplex lots in exchange for two units in Downtown for affordable housing.

Warren Bradshaw- Mr. Bradshaw provided a brief summary of the item stating that this is more or less a routine item that the Council had considered in closed session in the past expressing the desire to acquire a property in the downtown without the expenditure of cash and still have to go back and work out a trade because the trade did not work out because the two vacant lots that we were given in exchange for the one lot with the duplex on the downtown were actually worth more than the lot we were receiving but that we did work out a deal where we are able to get four affordable units out of this two moderate income and two low income units and for our expenditure accounts we will count all the assistance that we were given to go towards the low income units since the moderate income units are not really stigmatized by the rent control the rents that would be allowed are much more higher than the actual market rents and that we worked out what we considered to be the best possible deal for the City.

Mayor DeRosa opened up the floor for public comment. Seeing no one wished to speak on this matter, Mayor DeRosa closed public comment. Council Member Marchand move for approval with motion seconded by Council Member England. **Motion carries 4-0 by Resolution No. 2004-115 and Redevelopment Agency Resolution No. R-392.**

4. Adoption of a five-year implementation plan covering Project Area No. 1, Project Area No. 2 and Project Area No. 3 for the period from 2004 through 2009.

Mr. Keith Scott presented the staff report stating that the five-year implementation plan is a requirement of the state with the first plan was required in 1994, and that

we updated it in 1999, had a mid-term review in 2002 and the current five-year plan is due by the end of December, 2004. Mr. Scott stated that this was published in the Desert Sun for four weeks prior to this public hearing and it was also posted in within each of the project areas and according to the staff both in housing and redevelopment there have been no comments or requests to be viewed by the public. He stated that the proposed plan will expire in 2009 and a mid-term review will be required either in 2006 or in 2007 and as a side bar, we did amend the redevelopment plan last year Project Area No. 1 and within that plan there is a requirement that in order to extend the Agency's use of eminent domain beyond 2009 that there be a Citizens Advisory Committee appointed and their report is due no later than August 2009 thus the Council will have to take action no later than this date.

Mayor DeRosa opened the floor for public comments. Seeing no one wished to speak, Mayor DeRosa closed public comments. Council member Marchand moved for approval, motion seconded by Council member England. **Motion carried 4-0 by Resolution No. R-1007.**

5. Adoption of proposed resolution of the Redevelopment Agency for the City of Cathedral City, finding and determining the public interest and necessity for acquiring and authorizing the condemnation of certain real property known as the Desert Hills Mobile Home Park located within Project Area No. 1 and making findings in support thereof.

Mr. Scott presented the staff report and indicated that the City had been in negotiations with the Desert Hills Mobile Home Park and while there appears that there will be a deal done through negotiations that there is always the chance that such negotiations will not be successful and thus it will be appropriate to adopt the resolution of necessity and it does not require us to use eminent domain but that this action reserves the tool to do so. Further, Mr. Scott stated that the property offer was made in October of 2004 and a meeting with the property owner took place on December the 2nd with the property owner being properly noticed twice and is aware of the hearing this evening and he has chosen not to attend.

Mayor DeRosa explained the procedure for the hearing and opened the public hearing asking if anyone in the audience wished to speak. Seeing no one wished to speak, **Mayor DeRosa closed the public hearing and entertained motion made by Mayor Pro Tem Pettis to adopt the recommendation, motion seconded by Council Member Marchand. Motion carried 4-0 by Resolution No. 393.**

6. Proposed zoning ordinance amendment No. 04-003, an ordinance of the City Council for the City of Cathedral City, amending the Municipal Code section 9.94.110, to regulate the storage of recreational vehicles within Planned Unit Developments (PUDs) within the City of Cathedral City.

Ms. Julie Baumer provided the staff report stating that Planned Unit Developments currently with ten units or more and storage of vehicles in an area within the development and that has proven to be quite difficult for many applicants and therefore that the City Council has asked staff to take a look at this and see if there might be a way of eliminating them. Further, Ms. Baumer stated that the Planning Commission had approved the removal of such a mandate at its meeting of October the 20th and moved it forward to City Council and that this particular action would not only take away such mandate but it would also prohibit the storage of recreational vehicles on individual lots less than 7,200 square feet and further prohibit the storage of vehicles from other Planned Unit Developments. Further she said, this action will also establish the minimum standard for those who decide to incorporate storage of recreational vehicles into their respective Planned Unit Developments and the proposed change does not affect the storage of recreation vehicles outside Planned Unit Developments and that the same standards would apply that exist today in residential areas.

Mr. Pettis asked Ms. Baumer to define what a Planned Unit Development is. Ms. Baumer stated that a Planned Unit Development is a group of residential units that require special landscaping and other types of enhancements because they are given density bonuses.

Mayor DeRosa opened the floor for public comments. Seeing no one wished to speak on this item, Mayor DeRosa closed public comment. **Council Member Marchand move to waive further reading and introduce the ordinance, motion seconded by Council Member England. Motion carried 4-0 by Minute Order # 3816.**

7. General Plan Amendment (GPA 03-80), Zone Change (CZ 03-319) and Environmental Assessment (EA 03-683) located south of Campanile at the northwest and northeast corner of Ramon Road and Outdoor Resorts in Cathedral City.

Joe Richards, Interim City Planner presented the staff report. Mr. Richards commented that this is a general plan amendment from low density residential to neighborhood commercial and a change of zone from R-1 Single-family to Planned Community Commercial (PCC) and is described as the 3.5 acres of the Campanile project that will be set aside for commercial. He stated that this is a relatively straight forward amendment and that the Planning Commission and staff are recommending the amendment and the change of zone.

Mayor DeRosa opened the floor for public comments. Seeing no one wished to speak on this item, she closed public comment. Council Member England made motion to approve, motion seconded by Council Member Marchand. **Motion carried 4-0 by Resolution No. 2004-116; and Minute Order # 3817 being the introduction of the first reading ordinance.**

8. Proposed ordinance of the City Council for the City of Cathedral City, adding Chapter 9.89 "Outdoor Lighting Standards" to Title 9 "Planning and Zoning of the Cathedral City Municipal Code, amending sections 9.84.160 and 9.96.150 (M) and repealing sections 9.58.110 and 9.62.240 of the Cathedral City Municipal Code.

Joe Richards, Interim City Planner presented the staff report. Mr. Richards stated that in an effort to protect the night sky, the City Council directed staff and the City Attorney's Office to prepare an ordinance that would regulate outdoor lighting and the ordinance that is prepared and is before you achieves that and the Planning Commission and staff are recommending the approval of this first reading ordinance.

Council Member Marchand asked with reference to page 150 of the agenda packet there is table A which sets forth the shielding and filtering requirements for certain fixture lamp types and then at the bottom it says other sources as required by City Planner, he asked if there are standards by which the planner's discretion is guided in determining what would be required?

Mr. Richards stated that yes, that there will be some type of shielding required and that there are some definitions included as to how would that be accomplished and that they exist in writing and there will be some discretion but not much based on this ordinance.

Council Member Marchand had some concerns with respect to the level of discretion of the Planner to interpret the regulations.

Mayor Pro Tem Pettis- Expressed some concerns with respect to the exemption for property within the Cathedral City Auto Center since he feels this might be a disadvantage to the other large auto dealer on the east side of the City and asked how to make that determination.

Mr. Richards stated that this would only apply to the auto center and the specific plan area and that is correct with Mr. Pettis requesting of the City Attorney assistance in defining an additional exemption for auto dealers that are over a certain square footage.

After a lengthy discussion about this item, and with the City Attorney's advice, the Council decided to return this to the Planning Commission for the additional exemption and to have the amendment within the ordinance. Council Member **Marchand move to continue this item to January, motion seconded by Mayor Pro Tem Pettis. Motion to continue carried by 4-0 by Minute Order # 3818.**

COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.

None.

ADJOURNMENT

It was moved by Mayor DeRosa to adjourn the meeting to closed session. Motion seconded by Council member Marchand. **Motion carried 4-0.**

The City Council adjourned to closed session at 9:12 p.m. and reconvened at 9:20 p.m.

CLOSED SESSION ANNOUNCEMENTS

The City Council reconvened at 9:20 p.m., with Deputy City Attorney Charles Green announcing that there were no reportable actions from the City Council.

Daryl Betancur
Deputy City Clerk